

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

6

Daley
-v-
USA

U.S.C.A. #

U.S.D.C. #

JUDGE:

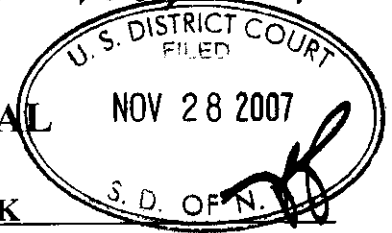
DATE:

07-cv-9772

KMW

NOV. 28, 2007

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION	DOC. #
CLERK'S CERTIFICATE	
SEE ATTACHED LIST OF NUMBERED DOCUMENTS	

☒ Original Record ☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 28th Day of NOVEMBER, 2007.

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Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this ~~24th~~ Day of ~~NOVEMBER~~ In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By

[Signature]
Deputy Clerk

2255, APPEAL, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-09772-KMW
Internal Use Only

Daley v. United States of America
Assigned to: Judge Kimba M. Wood
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 11/05/2007
Date Terminated: 11/05/2007
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate Sentence
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
11/05/2007	(2)	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE Document filed by Deon Earl Daley.(jeh) (Entered: 11/13/2007)
11/05/2007		Magistrate Judge Andrew J. Peck is so designated. (jeh) (Entered: 11/13/2007)
11/05/2007	(3)	ORDER OF DISMISSAL; The Clerk of Court is directed to assign a civil docket number to this action for the purposes of this order. As Movant has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. 2253. Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2). The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 11/05/2007) (jeh) (Entered: 11/13/2007)
11/05/2007	(4)	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). As Movant has not made a substantial showing of denial of constitutional right, a certificate of appealability will not issue. 28 U.S.C. 2253 (c). The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 11/05/2007) (jeh) (Entered: 11/13/2007)
11/05/2007	(1)	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Deon Earl Daley.(jeh) (Entered: 11/13/2007)
11/16/2007	(5)	NOTICE OF APPEAL from 4 Judgment - Sua Sponte (Complaint). Document filed by Deon Earl Daley. Copies mailed to attorney(s) of record: A.U.S.A. (tp) (Entered: 11/28/2007)
11/16/2007		Appeal Remark as to 5 Notice of Appeal filed by Deon Earl Daley. \$455.00 APPEAL FEE DUE. IFP REVOKED 11/5/07. COA DENIED 11/5/07. (tp) (Entered: 11/28/2007)
11/28/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 11/28/2007)
11/28/2007		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 11/28/2007)